



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,181	01/26/2004	Jun Kakuta	1466.1085	6518
21171 7590 08/26/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 08/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/763,181	<b>Applicant(s)</b> KAKUTA ET AL.
<b>Examiner</b> AKIBA K. ROBINSON BOYCE	<b>Art Unit</b> 3628

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 11 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 2-7.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Akiba K Robinson-Boyce/  
Primary Examiner, Art Unit 3628

Continuation of 11, does NOT place the application in condition for allowance because: As per claim 1, applicant argues that in Barnes, a customer receives (i.e., may use) information about available services (points of interest) depending on his location, while in the present invention, the customer requests a service and he may receive ("reservation acceptance") the service or not depending on his location. Applicant further argues that the decision factor in Barnes is the customer, while the decision factor in claim 1 is the reservation acceptance system, and that the reservation acceptance system of claim 1 reaches a decision on whether or not to reserve the service for the customer. However, although true that the Barnes discloses the receipt of information about available service depending on the location as described by the applicant, the customer still requests these services through use of a device as shown in the rejection in [0155]-[0156], where user input about a point of interest for a location based service is received, and also optionally entering into a commercial exchange to buy a product. Also, in [0277], Barnes discloses that a user can use the device to request vendor information, which includes vendor location info and upon receiving satisfactory vendor information, reservation can be made. Therefore, Barnes discloses the request of a service (via a location based service), and in turn, receiving the service depending on the location. Applicant also argues that Barnes does not teach or suggest "an area information storage portion for storing area information that defines a predetermined area around a provision position of the service". Since Barnes provides to the user information about services (points of interest) around the user's location, while according to claim 1, the area information defines an area surrounding the location where the service is provided. However, examiner has further defined the rejection to include [0164], which further shows that after the available points of interest meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined, which includes determining the distance to the available points of interest meeting the criteria and selecting the one with the shortest distance. In this case, although true that Barnes provides information about services around the user's location, additional information about points with the shortest distance to the points of interests, (which in this case are the service locations) is provided. Applicant also argues that Barnes does not teach or suggest "a reservation acceptance processing portion that performs a reservation acceptance process for accepting a reservation of the service that relates to the request information when it is decided that the customer who relating to the request information is within the predetermined area and does not perform the reservation acceptance process when it is decided that the customer is not within the predetermined area". However examiner has cited [0277], to show that a user can use the device to request vendor information, which includes vendor location info. In this case, the vendor location information represents the service since Barnes is based on service locations. Also, upon receiving satisfactory vendor location information, reservation can be made. However, it is shown in [0321], that if user is in a restricted location, user can not make a request [engage in requested action, and therefore can not make a reservation, therefore, the reservation is accepted when it is determined that the user. Also, examiner has revised rejection to include [0196], where it shows that if the hotel that a user has made a reservation with is within a predetermined distance with the user's location, the device will automatically check the user into the hotel, or in other words, complete the reservation, which meets the claim limitation discussed. Applicant also argues that in claim 1, the existence decision portion and the reservation acceptance processing portion of the reservation acceptance system determine and perform whether a request for service is accepted and a reservation is performed based on whether the user is within the predetermined area around a provision position of the service. In contrast to claim 1, in Barnes, a terminal of a service user determines whether to place an order for a product or to make a request for a service based on information about points of interest around the user's position. However, the terminal provides the existence decision portion and the reservation acceptance processing portion of the invention embodied in a device..